

Message Text

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70

ORIGIN DRC-01

INFO OCT-01 OPR-02 L-03 EA-10 AF-06 EUR-12 NEA-10 ARA-10

OMB-01 A-01 SS-15 MMS-04 H-02 SY-05 SCSE-00 SCA-01

PER-03 PPTE-00 AID-05 USIA-15 PC-05 ACDA-10 CIAE-00

INR-07 NSAE-00 DODE-00 FBIE-00 AGR-10 TRSE-00 NSC-05

SP-02 ISO-00 /146 R

DRAFTED BY O/FADRC:JSRUDEN:VFH

APPROVED BY A/O - MR. HUNT

L:LAHUMMER

EA/EX:EECHAMPAGNE (PHONE)

AF/EX:EGKRYZA (PHONE)

EUR/EX:JMCLARK (PHONE)

NEA/EX:DLWILLIAMSON (PHONE)

ARA:KDACKERMAN (PHONE)

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R 222014Z JUL 75

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS

UNCLAS STATE 172353

INFORM CONSULS

E.O. 11652: N/A

TAGS: AINF, OGEN

SUBJECT: IMPLEMENTATION OF THE PRIVACY ACT OF 1974

1. THE PURPOSE OF THIS TELEGRAM IS TO INFORM OVERSEAS POSTS OF THE REQUIREMENTS OF THE PRIVACY ACT OF 1974 WHICH BECOMES EFFECTIVE SEPTEMBER 27, 1975. THE ACT IS INTENDED TO SAFEGUARD INDIVIDUAL PRIVACY FROM MISUSE IN FEDERAL RECORDKEEPING. BRIEFLY, THE PRIVACY ACT REQUIRES UNCLASSIFIED

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AGENCIES TO:

- PERMIT AN INDIVIDUAL (DEFINED IN THE ACT AS A CITIZEN OF THE UNITED STATES OR AN ALIEN LAWFULLY ADMITTED

FOR PERMANENT RESIDENCE) TO LEARN OF, GAIN ACCESS TO, AND CONTEST THE ACCURACY OF INFORMATION ON HIMSELF IN FILES;

- PUBLISH ANNUALLY DESCRIPTIONS OF THEIR RECORD SYSTEMS RETRIEVABLE BY INDIVIDUAL NAME AND OF THE "ROUTINE USES" MADE OF THE SYSTEMS;

- ESTABLISH PROCEDURES FOR REVIEWING DISPUTES ABOUT THE ACCURACY OF RECORDS; AND

- CONTROL ACCESS TO RECORDS, PREVENT UNAUTHORIZED DISCLOSURES, AND MAINTAIN A RECORD OF DISCLOSURES.

2. THE OFFICE OF MANAGEMENT AND BUDGET HAS BEEN DESIGNATED THE AGENCY TO OVERSEE THE IMPLEMENTATION OF THE PRIVACY ACT FOR THE EXECUTIVE BRANCH. IN THE DEPARTMENT OF STATE, THE DEPUTY UNDERSECRETARY FOR MANAGEMENT HAS DESIGNATED THE DIRECTOR OF O/FADRC TO COORDINATE THE IMPLEMENTATION OF THE ACT. THE FIRST STEP IS TO DEVELOP DESCRIPTIONS OF THE RECORDS SYSTEMS MAINTAINED BY THE DEPARTMENT OF STATE THAT ARE SUBJECT TO THE ACT.

3. A RECORD COVERED BY THE ACT IS DEFINED TO MEAN "ANY ITEM, COLLECTION, OR GROUPING OF INFORMATION ABOUT AN INDIVIDUAL THAT IS MAINTAINED BY AN AGENCY, INCLUDING, BUT NOT LIMITED TO, HIS EDUCATION, FINANCIAL TRANSACTIONS, MEDICAL HISTORY, AND CRIMINAL OR EMPLOYMENT HISTORY AND THAT CONTAINS HIS NAME, OR THE IDENTIFYING NUMBER, SYMBOL, OR OTHER IDENTIFYING PARTICULAR ASSIGNED TO THE INDIVIDUAL, SUCH AS A FINGER OR VOICE PRINT OR PHOTOGRAPH." THUS, ONE OF THE MAIN CRITERIA USED TO DETERMINE WHETHER A RECORD SYSTEM IS SUBJECT TO THE PRIVACY ACT IS THE MANNER IN WHICH INFORMATION FROM THE SYSTEM IS RETRIEVED. GENERALLY SPEAKING, IF INFORMATION IS RETRIEVED FROM A SYSTEM OF RECORDS ABOUT INDIVIDUALS BY NAME OR SOME PERSONAL IDENTITY SYMBOL, THAT SYSTEM UNCLASSIFIED

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OF RECORDS IS SUBJECT TO THE ACT AND MUST BE DESCRIBED BY WAY OF PUBLIC NOTICE IN THE FEDERAL REGISTER. THE LEGAL OFFICE HAS ADVISED THAT JUST BECAUSE INFORMATION CAN BE RETRIEVED FROM A SYSTEM OF RECORDS ABOUT AN INDIVIDUAL DOES NOT MAKE IT SUBJECT TO THE PRIVACY ACT, ALTHOUGH THE FREEDOM OF INFORMATION ACT WOULD STILL APPLY. FOR EXAMPLE, A/ALS'S AUTHORIZED DECENTRALIZED RECORD SYSTEM CONTAINS INDIVIDUAL ALLOWANCE GRANTS, BUT THEY ARE FILED BY COUNTRY AND POST, RATHER THAN BY NAME OF EMPLOYEE, SO WHILE INFORMATION ABOUT AN EMPLOYEE'S ALLOWANCE COULD BE RETRIEVED IF ONE KNEW HIS POST, IT IS NOT RETRIEVED BY EMPLOYEE NAME AND IS NOT SUBJECT TO THE PRIVACY ACT.

4. IT IS REQUESTED THAT YOU REVIEW YOUR RECORDS AND SUBMIT TO FADRC (CITE THIS MESSAGE REFERENCE) BY AUGUST 4, 1975 A COMPLETE DESCRIPTION OF ALL SYSTEMS OF RECORDS AT YOUR POST THAT ARE RETRIEVABLE BY NAME AND WHICH MAY BE SUBJECT TO THE PROVISIONS OF THE PRIVACY ACT. THESE DESCRIPTIONS SHOULD FOLLOW THE FORMAT GIVEN BELOW AND SHOULD INCLUDE CONSULAR REGISTRATION FILES, ADMINISTRATIVE FILES ON U.S. EMPLOYEES, AND ANY OTHER FILES RETRIEVABLE BY INDIVIDUAL NAME. (SEE PARA. 7).

5. IT IS NOT NECESSARY TO DESCRIBE THOSE SYSTEMS OF RECORDS IN WHICH INFORMATION HAS ALREADY BEEN FURNISHED OR IS ON FILE IN THE DEPARTMENT'S CENTRAL FOREIGN POLICY FILE OR IN ONE OF THE DEPARTMENT'S AUTHORIZED DECENTRALIZED FILES. THE OBJECTIVE IS TO IDENTIFY AND DESCRIBE THOSE SYSTEMS OF NAME-RETRIEVABLE RECORDS WHICH ARE UNIQUE TO OVERSEAS POSTS IN GENERAL OR TO YOUR POST IN PARTICULAR. FOR EXAMPLE, A LIST OF THE ADDRESSES OF U.S. CITIZENS VISITING OR RESIDENT IN A PARTICULAR COUNTRY IS A SYSTEM OF RECORDS UNIQUE TO OVERSEAS POSTS, AND WOULD NOT LIKELY BE MAINTAINED IN THE DEPARTMENT. ON THE OTHER HAND, A U.S. EMPLOYEE'S POST PERSONNEL FILE SHOULD CONTAIN NO INFORMATION WHICH IS NOT ALREADY IN THE OFFICIAL PERSONNEL FILE MAINTAINED IN THE DEPARTMENT.

6. HOWEVER, A PRIME OBJECTIVE OF THE PRIVACY ACT IS UNCLASSIFIED

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TO ENSURE THAT NO SECRET FILES OF RECORDS ARE MAINTAINED ON INDIVIDUALS, AND THE ACT PRESCRIBES FINES OF UP TO \$5,000 FOR ANY OFFICIAL GUILTY OF MAINTAINING SUCH SECRET FILES. THEREFORE, IF THERE IS ANY QUESTION AS TO WHETHER OR NOT A SYSTEM IS COVERED BY THE PRIVACY ACT, IT IS RECOMMENDED THAT YOU IDENTIFY AND DESCRIBE THE SYSTEM.

7. RECORD SYSTEM DESCRIPTIONS - FORMAT FOR REPORTING

I NAME OF RECORD

- IF A SYSTEM HAS NO SINGLE OFFICIAL TITLE, GIVE THE MOST COMMONLY USED INFORMAL TERM.

II CATEGORY OF INDIVIDUAL

- THE PURPOSE OF THIS REQUIREMENT IS TO ASSIST AN INDIVIDUAL TO DETERMINE IF A PARTICULAR SYSTEM OF RECORDS MIGHT CONTAIN INFORMATION ON HIM. THEREFORE, IT SHOULD BE WRITTEN IN EASY TO UNDERSTAND AND NON-TECHNICAL TERMS. FOR EXAMPLE, IT WOULD BE BETTER TO

DESCRIBE A FILE AS INCLUDING "NAMES OF THOSE PERSONS WHO APPLIED FOR EMERGENCY LOANS AT U.S. EMBASSIES OR CONSULATES FOR TRAVEL TO THE U.S." RATHER THAN AS INCLUDING "NAMES OF APPLICANTS FOR REPATRIATION LOANS UNDER THE PROVISIONS OF 7 FAM 423.

III CATEGORY OF RECORD

- THIS SHOULD BRIEFLY DESCRIBE THE TYPES OF INFORMATION CONTAINED IN THE SYSTEM OF RECORDS, E.G., EMPLOYMENT HISTORIES, EARNING STATEMENTS. AGAIN, IT SHOULD BE WRITTEN IN CLEAR, NON-TECHNICAL TERMS.

IV AUTHORITY

- IDENTIFY THE SPECIFIC STATUTORY PROVISION OR EXECUTIVE ORDER WHICH AUTHORIZES THE SOLICITATION OF INFORMATION MAINTAINED IN YOUR OFFICE.

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V ROUTINE USES

- LIST ALL AGENCIES AND PERSONS OUTSIDE THE DEPARTMENT OF STATE, INCLUDING AID, USIA, ACTION, AND ACDA, TO WHOM INFORMATION FROM THESE RECORDS IS MADE AVAILABLE. LIST ALSO THE PURPOSE FOR EACH DISCLOSURE.

VI RECORD MANAGEMENT POLICY AND PRACTICE

- STORAGE -- NOTE WHETHER RECORDS ARE MAINTAINED IN HARD COPY, FILE FOLDERS, MICROFICHE, COMPUTER, ETC.

- RETRIEVABILITY -- HOW THE SYSTEM IS INDEXED, I.E., BY NAME, ID NUMBER, ETC.

- SAFEGUARDS -- WHAT MEASURES HAVE BEEN TAKEN TO PREVENT UNAUTHORIZED DISCLOSURE OF RECORDS, I.E., PHYSICAL SECURITY, PERSONNEL SCREENING, ETC.

- RETENTION AND DISPOSAL -- INDICATE HOW LONG RECORDS ARE MAINTAINED.

VII SYSTEM MANAGER

- THIS WOULD NORMALLY BE THE ADMINISTRATIVE OFFICER AT THE POST.

VIII SOURCES

- FOR THOSE SYSTEMS OF RECORDS WHICH CONTAIN INFORMATION OBTAINED FROM SOURCES OTHER THAN THE INDIVIDUAL TO

WHOM THE RECORD PERTAINS, PLEASE LIST THE TYPES OF
SOURCES INVOLVED. SOURCES MAY BE LISTED IN GENERAL
TERMS, I.E., EDUCATIONAL INSTITUTIONS, PREVIOUS
EMPLOYERS, ETC.

8. ADDITIONAL GUIDANCE INCLUDING A COPY OF THE ACT AND
THE OMB GUIDELINES, IS BEING FORWARDED VIA AIR POUCH.

KISSINGER

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<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 22 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: N/A
Errors: n/a
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From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1975/newtext/t197507106/baaaapye.tel
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